

REMARKS

In accordance with the foregoing, claims 1-48 have not been amended. Claims 1-48 are pending and under consideration.

Applicants elect claims 1-42 of Group I with traverse. Applicants respectfully submit that some of the features in independent claims 1 and 12 are substantially similar to features of independent claim 43 from which claims 44-48 depend.

The first light output signal detected by the second photodetector in claim 43 is substantially similar to a signal monitored by the second photodetector that monitors the amount of light emitted from the first light source in claims 1 and 12. Also, the second light output signal detected by the first photodetector in claim 43 is substantially similar to a signal monitored by the first photodetector that monitors the amount of light emitted from the second light source in claims 1 and 12.

Accordingly, withdrawal of the restriction requirement and rejoinder of claims 43-48 are respectfully requested.

Summary

Claims 1-48 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/766,328

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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